

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DOMINIC C. DZWONCZYK,

Defendant.

4:15CR3134

ORDER

Defendant has moved to continue the pretrial motion deadline, (filing no. 28), because the defendant and defense counsel need additional time to fully review the discovery received before deciding if pretrial motions should be filed. The motion to continue is unopposed. Based on the showing set forth in the motion, the court finds the motion should be granted. Accordingly,

IT IS ORDERED:

- 1) Defendant's motion to continue, (filing no. 28), is granted.
- 2) Pretrial motions and briefs shall be filed on or before April 6, 2016.
- 3) This is the fourth and, absent a **substantial** showing of good cause, the last extension of the pretrial motion deadline.
- 4) The jury trial of this case is set to commence before John M. Gerrard, United States District Judge, in Courtroom 1, United States Courthouse, Lincoln, Nebraska, at 9:00 a.m. on May 2, 2016, or as soon thereafter as the case may be called, for a duration of four (4) trial days. This case is subject to the prior trial of criminal cases and such other civil cases as may be scheduled for trial before this one. Jury selection will be held at the commencement of trial.
- 5) The ends of justice served by granting the motion to continue outweigh the interests of the public and the defendant in a speedy trial, and
 - a. The additional time arising as a result of the granting of the motion, the time between today's date and April 6, 2016, shall be deemed

excludable time in any computation of time under the requirements of the Speedy Trial Act, because although counsel have been duly diligent, additional time is needed to adequately prepare this case for trial and failing to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

- b. Failing to timely file an objection to this order as provided in the local rules of this court will be deemed a waiver of any right to later claim the time should not have been excluded under the Speedy Trial Act.

March 8, 2016.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge